IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 7381 of 2004

Between:

G.G.Silva Raj S/o G.Manoharam, Aged: about 43 years, Occup: Lecturer,
D.No.38-1-3/1, Srinivasa Street, Marripalem,
Vizag-18

..... PETITIONER

AND

1. T.Subbarami Reddy T.Balaramakrishna
Degree College &PG. Centre (Affiliated to Andhra University)
Rep by its secretary-cum-correspondent. T.Balaramakrishna, Mango Grove, Srinagar, Gajuwaka (P.O) Visakhapatnam-530 026
2 Regional Joint Director, AP State Council for Higher Education
Rajahmundry , East Godavari Dist
3 Director of AP. State Higher Education
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in removing the petitioner from the post of Lecturer in the 1st Respondent' s College by an order illegal, arbitrary and in violative of principles of natural justice

Counsel for the Petitioner :SMT.A.CHAYA DEVI

Counsel for the Respondent No.1 Mr. G. Vidyasagar.

Counsel for the Respondent No2 & 3.: GP FOR HIGHER EDUCATION

The Court Made the Following :

ORAL ORDER:

Contending that he had been terminated from service as Lecturer in Economics in the 1st respondent-College by the oral orders of the Correspondent without following the mandatory provisions of Section 79 of the Andhra Pradesh Education Act, 1992 (for short 'the Act'), the writ petition is filed.

This Court granted interim direction dated 19-04-2004 to the 1st respondent to continue the petitioner for a period of ten (10) weeks.

It is pleaded in the affidavit filed in support of the writ petition and contended by the learned counsel for the writ petitioner that no orders of termination of service of the petitioner have been passed, that the petitioner has himself applied for leave on 01-04-2004 and that after the period of expiry of leave, he has rejoined the post. It is also stated before this court, on instructions, on behalf of the 1st respondent that the services of the petitioner will not be terminated by the 1st respondent, except in accordance with the procedure ordained by law and in case the petitioner services are to be terminated for misconduct,

in respect of which a disciplinary inquiry has been initiated, the 1st respondent shall scrupulously and faithfully follow all the provisions of the Act and the relevant Rules thereunder contouring the procedure for termination of service of the teachers of private educational institutions.

In the light of the submissions of the learned counsel for the petitioner and the pleadings set out in the counter affidavit filed by the 1st respondent, the apprehensions of the petitioner are seen to be without basis. The writ petition is, accordingly, disposed of recording the contentions of the 1st respondent. No costs.

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GODA RAGHURAM, J

Dt. 07-07-2004
Pvks/*

To
1. The Secretary-cum-Correspondent--T.Balaramakrishna,
T.Subbarami Reddy & T.Balaramakrishna Degree College &PG.
Centre (Affiliated to Andhra University), Mango Grove, Srinagar,
Gajuwaka (P.O) Visakhapatnam-530 026
2 Regional Joint Director, AP State Council for Higher Education
Rajahmundry , East Godavari Dist
3 Director of AP. State Higher Education
Hyderabad
4. .2CCs to Government Pleader for Higher Education, High Court
Buildings, Hyderabad.
5 .2CD copies.